

BEFORE THE BOARD OF PHARMACY  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF AMENDMENT  
ARM 24.174.401 fees and 24.174.402 )  
dangerous drug fee schedule )

TO: All Concerned Persons

1. On July 27, 2006, the Board of Pharmacy (board) published MAR Notice No. 24-174-55 regarding the proposed amendment of the above-stated rules at page 1814 of the 2006 Montana Administrative Register, issue no. 14.

2. On August 17, 2006, a public hearing was held on the proposed amendment of the above-stated rules in Helena. Several comments were received by the August 25, 2006, deadline.

3. The board has thoroughly considered the comments and testimony received. A summary of the comments received and the board's responses are as follows:

COMMENT 1: A commenter supported the proposed fee increases except for the fee increase for pharmacy interns. The commenter felt that students are already burdened financially, and that the board should not add to the burden by increasing the licensing fee for a pharmacy intern.

RESPONSE 1: The board concluded that all licensees, including interns, should share in the costs of administering the board's services. The board further noted that the proposed intern licensing fee is comparable with other states, and that it is a one time fee whereas most states require an annual renewal.

COMMENT 2: One commenter noted that the fee increases were substantial overall, but acknowledged that fees had not changed for a long time. The commenter specifically objected to fee increases for interns and technicians, stating that students have a huge debt burden and they should be welcomed into the profession without the insult of a fee increase. The commenter also stated that technicians' responsibilities are expanding and felt that the fee increase would be an added insult.

RESPONSE 2: The board noted that the proposed intern licensing fee is comparable with other states, and that it is a one time fee whereas most states require an annual renewal. The board discussed that technician wages have been steadily increasing. The board compared technician registration fees in neighboring states and noted that with the increase, the fee is now similar to other states. The board also noted that the technicians' initial registration fee is being increased by 50% whereas other registration fees are being increased by 100%.

COMMENT 3: One commenter opposed the increase to the pharmacy technician and technician-in-training registration and renewal fees and instead recommended raising the proposed fee increase for pharmacists from \$110 to \$125 to accomplish a similar increase in revenue. The commenter noted the value of pharmacy technicians, and stated his opinion that pharmacists could afford the additional \$15 per year in support of technicians.

RESPONSE 3: The board agreed with the comments about the value of pharmacy technicians. The board discussed the steady increase in technician wages and compared technician registration fees in neighboring states, noting that with the proposed increase, the fee is now similar to other states. The board considered that the pharmacist license fee is already being increased by 100% and concluded that an increase of greater than 100% was too much. Further, the board concluded that all licensees must share in the cost of administering the board's services.

COMMENT 4: One commenter supported the proposed fee increases except for the fee increase for technicians. The commenter noted that the increase in licensing fees would cost a technician an unfair amount when compared to the income of technicians. The commenter suggested a fee increase for pharmacists from \$110 to \$120 instead of increasing the fee for technicians, stating that the increase in annual revenue from pharmacist licensing fees would offset the elimination of the technician fee increase.

RESPONSE 4: See RESPONSE 3.

4. The board has amended ARM 24.174.401 and 24.174.402 exactly as proposed.

BOARD OF PHARMACY  
MARK MEREDITH, R. Ph., CHAIRPERSON

/s/ DARCEE L. MOE  
Darcee L. Moe  
Alternate Rule Reviewer

/s/ KEITH KELLY  
Keith Kelly, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State September 11, 2006